

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LAWRENCE GOLDBLATT,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09-CV-0748-DGK
)	
MINA HERRON et al.,)	
)	
Defendants.)	

ORDER GRANTING NACA’S MOTION TO DISMISS

This case arises from pro se Plaintiff Lawrence Goldblatt’s unsuccessful attempt to refinance the mortgage on his home and avoid foreclosure. Pending before the Court is Plaintiff’s “Complaint for Preliminary Restraining Order and for Temporary and Permanent Injunction” (doc. 85), and Defendant Neighborhood Assistance Corporation of America, Inc. (“NACA”) Motion to Dismiss Plaintiff’s Complaint for Temporary Restraining Order, and for Permanent and Temporary Injunction (doc. 90). Although Plaintiff’s motion is captioned a complaint, it more resembles a motion for injunctive relief.

NACA argues Plaintiff’s “complaint” should be dismissed for failure to state a claim. NACA also moves for sanctions and costs against Goldblatt because the Court has already stayed all proceedings against NACA pending arbitration of his claim, and because he did not seek leave to amend his complaint from either NACA or the Court pursuant to 15(a)(2). NACA alleges that the “complaint” is simply Goldblatt’s attempt to harass it with frivolous pleadings. NACA also notes that in another, unrelated case filed in the Western District of Missouri a judge has already assessed Plaintiff more than \$15,000 in sanctions for making “inappropriate, frivolous” filings in violation of Rule 11. *City of Kansas City v. Hous. & Econ. Dev. Fin. Corp.*,

No. 05-00368-CV-W-GAF (W.D. Mo. March 12, 2010) (Order and Judgment imposing sanctions).

Because there is stay in this case with respect to Plaintiff's claims against NACA, Plaintiff is not permitted to make additional filings or otherwise litigate against NACA in this forum until the stay is lifted. Consequently, Plaintiff's latest "complaint" (doc. 85) should be, and is, dismissed with respect to NACA.

As for NACA's request for attorneys' fees and costs, the motion is denied without prejudice. Although naming NACA as a defendant before the Court has lifted the stay is probably frivolous, the Court will give Plaintiff the benefit of the doubt because he is proceeding pro se. That said, the Court cautions Plaintiff that in the future it will consider sanctions if he makes any inappropriate, frivolous, or harassing filings against any parties in this case.

The motion (doc. 90) is GRANTED IN PART.

IT IS SO ORDERED.

DATE: August 10, 2011

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT